

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH MICHAEL QUINCY
JEFFERSON,

Defendant.

CASE NO. 2:23-cr-00109-LK

ORDER GRANTING IN PART
MOTION TO MODIFY
APPEARANCE BOND

This matter comes before the Court on Defendant Joseph Jefferson's Motion and Supplement in Support of Motion to Modify Appearance Bond. Dkt. Nos. 35, 37.

Mr. Jefferson "has an opportunity to harvest sea cucumbers in the Port Townsend area between December 3 or 4 and December 6, 2023," which will "require[] him to stay overnight and away from his residence." Dkt. No. 35 at 1. He therefore seeks either a modification of his conditions of release to allow overnight stays or the Court's permission for the Probation Office to approve overnight stays. *Id.* at 2; *see id.* ("Because Mr. Jefferson is likely to make additional requests for overnight stays for employment in the future, he requests the Court gran[t] the

1 Probation Office . . . authority to approve such stays in the future.”); *see also* Dkt. No. 26 (amended
2 appearance bond); Dkt. No. 34 (order granting unopposed motion to modify appearance bond to
3 allow participation in location monitoring program via curfew).

4 In light of the Court’s concerns regarding the propriety of the employment opportunity
5 underlying his requested modification, it directed Mr. Jefferson to submit supplemental briefing
6 on the permissibility of the planned harvest, which he did the same day. Dkt. Nos. 36–37. Mr.
7 Jefferson’s response indicates that he has been in contact with a Shellfish Biologist and Diving
8 Safety Administrator with the Lummi Nation Natural Resources division and has received a
9 schedule by text message indicating that District 2-2 will be open for sea cucumber harvesting
10 between Monday, December 4 and Wednesday, December 6. Dkt. No. 37 at 1. Mr. Jefferson’s
11 counsel also represents that he called the biologist and confirmed that sea cucumber harvesting
12 will occur on the above-mentioned dates. *Id.*; *see* Lummi Indian Business Council, *2023-113 Sea*
13 *Cucumbers Regulation*, https://www.lummi-nsn.gov/userfiles/323_FisheryPermit.pdf (last visited
14 Dec. 1, 2023). And the Probation Office, which does not oppose Mr. Jefferson’s request for
15 overnight stays on Monday, December 4 and Tuesday, December 5, likewise spoke with the
16 biologist to confirm that the harvesting would be open. Dkt. No. 39 at 1.¹

17 Although the Government “does not *per se* oppose” Mr. Jefferson’s motion, it is concerned
18 that “the proposed modification presents a real and unfortunate opportunity for Mr. Jefferson to
19 violate an important condition of his bond prohibiting him from having any contact with the victim
20 in the case.” Dkt. No. 38 at 1; *see* Dkt. No. 26 at 1 (“No direct or indirect contact with alleged
21 victim in this case.”). Therefore, the Government “recommends that the proposed bond
22

23 ¹ The Court notes that nothing in this Order should be construed as an opinion on the permissibility of the upcoming
24 harvest under *United States v. Washington*, No. 70-cv-9213 (W.D. Wash.), the Shellfish Implementation Plan issued
in *United States v. Washington*, Subproceeding 89-3, or the 2023-24 Puget Sound Sea Cucumber Harvest Management
Plan.

1 modification be conditioned upon the presence of a third-party custodian in the residence or hotel
2 room where Mr. Jefferson proposes to stay while away from his home.” Dkt. No. 38 at 2.

3 After careful consideration of the parties’ submissions and the remainder of the relevant
4 record, the Court GRANTS IN PART Mr. Jefferson’s motion. Dkt. Nos. 35, 37. Mr. Jefferson’s
5 Bond is modified as follows:

6 If accompanied by a third-party overnight custodian approved by the United States
7 Probation Office, Mr. Jefferson shall be allowed to stay away from his residence
8 overnight in the Port Townsend area on December 4, 2023 and December 5, 2023
9 in order to pursue his employment opportunity to harvest sea cucumbers. Mr.
Jefferson must keep the Location Monitoring Specialist informed of the dates,
times, and location of where he will be staying and his employment schedule.

10 All other conditions of bond remain in place.

11 Dated this 1st day of December, 2023.

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Lauren King
United States District Judge